

REMARKS

In the November 16, 2004 Office Action, claims 1-12, 15-24, 26, 27, and 30-41 stand rejected in view of prior art, while claims 8, 9, 13, and 14 were indicated as containing allowable subject matter. Claim 16 is also objected to due to informalities. No other objections or rejections are made in the Office Action.

Status of Claims and Amendments

In response to the November 16, 2004 Office Action, Applicant has amended claims 1, 3, 5, 10, 15-17, 22-24, 26, 31-39, and 41 as presented above. Applicant also wishes to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-24, 26, 27, 30-41 are pending, with claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Claim Objections

In paragraph 3 of the Office Action, claim 16 is objected to for various informalities. In response, Applicant has amended claim 16 as presented above.

Accordingly, Applicant believes that claim 16 as presented above does not contain any informalities. Withdrawal of the objection is respectfully requested.

Rejections - 35 U.S.C. § 103

In paragraph 4 of the Office Action, claims 1-7, 10-12, 15-24, 26, 27, and 30-41 stand rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent No. 6,616,613 to Goodman ("Goodman patent"), in view of U.S. Patent No. 6,331,822 to Sato ("Sato patent"). In response, Applicant has amended claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 as presented above.

More specifically, Applicant has amended the claims to recite more clearly that the measurement data is obtained by measuring a subject and/or a sample obtained from the subject, and that the analytical result includes the subject's in vivo and/or in vitro test result, which is a result of analysis of the measurement data. This amendment to the claims is supported by the description on page 5, lines 6-11 of the specification. Applicant believes that the arrangement of the present invention set forth in claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 as now amended is not suggested by the Goodman patent or the Sato patent.

Regarding the Goodman patent, the Office Action on page 3 acknowledges that the Goodman patent fails to teach conversion of the measurement data into analytical results by the analysis device.

Regarding the Sato patent, it is cited in the Office Action to show the conversion of the measurement data into analytical results by the analysis device. However, Applicant respectfully disagrees with the assertion of the Office Action regarding the Sato patent.

More specifically, Applicant believes that the conversion of data disclosed in the Sato patent does not meet the requirements set forth in claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 as now amended. Claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 require conversion from measurement data to analytical results. Claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 also require that the analytical results include the subject's in vivo and/or in vitro test result, which is a result of analysis of the measurement data. On the other hand, the only conversion disclosed in the Sato patent is the analog/digital conversion performed by the A/D converter 32. *See* abstract, column 6, lines 25-40. Such A/D conversion only changes the format in which the *same* data are expressed. The converted digital data of the Sato patent do *not* contain any result of analysis of the analogue data. Particularly, there is no

disclosure or suggestion in the Sato patent that the converted digital data in the Sato patent contain any test results that are the results of analysis of the analog data.

Therefore, Applicant believes that the Sato patent and the Goodman patent do not disclose or suggest the arrangements set forth in claims 1, 3, 5, 10, 15-17, 23, 24, 26, 34, 35, and 41 as now amended, either singularly or in combination.

Moreover, Applicant believes that dependent claims 2, 4, 6-9, 11-14, 18-22, 27, 30-33, 36-40 are also allowable over the prior art of record in that they depend from independent claims 1, 3, 5, 10, 17, 26, 34, and 35, and therefore are allowable for the reasons stated above. Thus, Applicant believes that since the prior art of record does not disclose or suggest the independent claims 1, 3, 5, 10, 17, 26, 34, and 35, neither does the prior art anticipate or render obvious dependent claims 2, 4, 6-9, 11-14, 18-22, 27, 30-33, 36-40.

Applicant respectfully requests withdrawal of the rejections.

Allowable Subject Matter


In paragraph 5 of the Office Action, claims 8, 9, 13, 14 are indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Since claims 5 and 10, from which claims 8, 9, 13, and 14 depend, are now believed to be allowable, Applicant also believes that claims 8, 9, 13, and 14 continue to be allowable.

* * *

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-24, 26, 27, and 30-41 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

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Respectfully submitted,



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